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BAY ENVIRONMENTAL MANAGEMENT INC.,  
CAESAR NUTI, ESTATE OF PINA J. BARBIERI, and  
DENNIS VARNI

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JERRY VAUGHN and THERESA  
TRAVERS,

Plaintiffs,

v.

BAY ENVIRONMENTAL MANAGEMENT  
INC., CAESAR NUTI, DENNIS VARNI,  
FSC SECURITIES CORPORATION, and  
JERROLD N. WEINBERG

Defendants.

FSC SECURITIES CORPORATION and  
JERROLD N. WEINBERG,

Cross-Claimants,

v.

BAY ENVIRONMENTAL MANAGEMENT  
INC., ESTATE OF PINA J. BARBIERI,  
CAESAR NUTI, DENNIS VARNI,

Cross-Defendants.

Case No. C03-5725 SC

**REVISED STIPULATION AND  
[PROPOSED] ORDER CONTINUING  
STATUS CONFERENCE AND HEARING  
ON PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

1 This Stipulation is made by and between Plaintiffs Jerry Vaughn and Theresa Travers  
2 (“Plaintiffs”), Defendants and Cross-Defendants Bay Environmental Management Inc., Caesar  
3 Nuti, and Dennis Varni and Cross-Defendant Estate of Pina J. Barbieri<sup>1</sup> (“Bay Environmental  
4 Defendants”), and Defendants FSC Securities Corporation and Jerrold N. Weinberg (“FSC  
5 Defendants”) (collectively, the “Parties”), by and through their respective counsel of record, with  
6 respect to the following facts:

7 WHEREAS, on June 11, 2009, the Ninth Circuit Court of Appeals vacated the Court’s  
8 order granting FSC Defendants’ motion to dismiss, and remanded this action for further  
9 proceedings;

10 WHEREAS, on July 10, 2009, the Court ordered that the status conference be continued  
11 to September 11, 2009, to be resumed simultaneously with Plaintiffs’ motion to certify the class;

12 WHEREAS, on August 7, 2009, Plaintiffs filed a motion to for class certification;

13 WHEREAS, the deadline for Defendants’ responsive briefs is August 21, 2009;

14 WHEREAS, the deadline for Defendants’ responses to Plaintiffs’ outstanding written  
15 discovery requests is August 21, 2009;

16 WHEREAS, Defendants must conduct further investigation to determine whether they  
17 will oppose the class certification motion, in whole or in part;

18 WHEREAS, the Parties to this case are actively engaging in discussions regarding the  
19 proper definition of the class;

20 WHEREAS, Defendants believe that their responses to Plaintiffs’ written discovery  
21 requests will allow for a more productive discussion; and

22 WHEREAS, the Parties have agreed, and respectfully submit, that the status conference  
23 and hearing on Plaintiffs’ motion for class certification should be continued for one week in order  
24 to allow productive discussions regarding class certification;

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28 <sup>1</sup> Pina Barbieri, named as a Defendant herein, passed away several years ago. See Docket No. 36.

1 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE THAT:

2 The status conference and hearing on Plaintiffs' motion for class certification shall be  
3 continued for one (1) week, from September 11, 2009 to September 18, 2009. The deadline for  
4 responding to Plaintiffs' motion for class certification will be August 28, 2009.

5 **IT IS SO STIPULATED.**

6 DATED: August 25, 2009

7 MORGAN, LEWIS & BOCKIUS LLP

8  
9 By: /s/ D. Ward Kallstrom

10 D. Ward Kallstrom

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18 Defendants

19 BAY ENVIRONMENTAL  
20 MANAGEMENT INC., CAESAR NUTI,  
21 ESTATE OF PINA BARBIERI and  
22 DENNIS VARNI

23 I, D. Ward Kallstrom, am the ECF User whose ID and password are being used to file this  
24 STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I  
25 hereby attest that each of the signatories identified below has concurred in this filing.

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1 DATED: August 25, 2009

2 WILSON ELSE MOSKOWITZ  
3 EDELMAN & DICKER LLP

4  
5 By: /s/ Bernard Gehlhar  
6 Bernard Gehlhar  
7 Emily Wood  
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12 Attorneys for Co-Defendants  
13 FSC SECURITIES CORPORATION and  
14 JERROLD N. WEINBERG

15 DATED: August 25, 2009

16 LEWIS, FEINBERG, LEE, RENAKER &  
17 JACKSON, P.C.

18 By: /s/ Teresa Renaker  
19 Teresa Renaker  
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25 Attorneys for Plaintiffs  
26 JERRY VAUGHN and  
27 THERESA TRAVERS

28 **ORDER**

**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS  
HEREBY ORDERED THAT:**

The continued status conference and hearing (if necessary) on Plaintiffs' motion for class certification will be conducted on September <sup>25</sup>~~18~~, 2009. The deadline for responding to Plaintiffs' motion for class certification will be August 28, 2009.

**SO ORDERED.**

DATED: August 26, 2009

Hon. Samuel Conti  
United States District Judge

